

## TITLE 326 AIR POLLUTION CONTROL DIVISION

## Final Rule

LSA Document #15-414(F)

## DIGEST

Adds [326 IAC 10-2](#) and amends [326 IAC 10-3-1](#) and [326 IAC 10-3-3](#), concerning nitrogen oxides (NO<sub>x</sub>) emissions from large affected units. Repeals [326 IAC 10-4](#), [326 IAC 24-3-1](#), [326 IAC 24-3-2](#), [326 IAC 24-3-4](#), and [326 IAC 24-3-11](#). Effective 30 days after filing with the Publisher.

## HISTORY

First Notice of Comment Period: December 9, 2015, Indiana Register (DIN: [20151209-IR-326150414FNA](#)).

Second Notice of Comment Period: July 5, 2017, Indiana Register (DIN: [20170705-IR-326150414SNA](#)).

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Date of Second Hearing: April 11, 2018.

[326 IAC 10-2](#); [326 IAC 10-3-1](#); [326 IAC 10-3-3](#); [326 IAC 10-4](#); [326 IAC 24-3-1](#); [326 IAC 24-3-2](#); [326 IAC 24-3-4](#); [326 IAC 24-3-11](#)

SECTION 1. [326 IAC 10-2](#) IS ADDED TO READ AS FOLLOWS:

**Rule 2. NO<sub>x</sub> Emissions from Large Affected Units****[326 IAC 10-2-1](#) Applicability**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) The owner or operator of a unit, as defined in section 2 of this rule, that meets the applicability requirements in subsection (b) shall comply with the nitrogen oxide (NO<sub>x</sub>) monitoring, record keeping, and reporting requirements in sections 3 through 8 of this rule, unless the unit is subject to:

- (1) the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program established under 40 CFR 97, Subpart EEEEE;
- (2) an equivalent trading program established under regulations approved as a state implementation plan revision under 40 CFR 52.38(b)(9);
- (3) [326 IAC 10-3-1\(a\)\(2\)](#); or
- (4) [326 IAC 10-3-1\(a\)\(3\)](#).

(b) This rule applies to the owner or operator of a unit that meets the following criteria:

(1) For a cogeneration unit that has a maximum design heat input capacity of greater than two hundred fifty (250) million British thermal units (MMBtu) per hour, the following:

- (A) For a unit commencing operation before January 1, 1997, a unit that qualified as an unaffected unit under the acid rain program, in 40 CFR 72.6(b)(4), for 1995 and 1996.
- (B) For a unit commencing operation on or after January 1, 1997, and before January 1, 1999, a unit that qualified as an unaffected unit under the acid rain program, in 40 CFR 72.6(b)(4), for 1997 and 1998.
- (C) For a unit commencing operation on or after January 1, 1999, a unit qualifying as an unaffected unit under the acid rain program, in 40 CFR 72.6(b)(4), for each year beginning 1999.

(2) For a unit that is not a cogeneration unit and that has a maximum design heat input capacity of greater than two hundred fifty (250) MMBtu per hour, the following:

- (A) For a unit commencing operation before January 1, 1997, a unit that did not serve a generator producing electricity for sale under a firm contract to the electric grid during 1995 or 1996.
- (B) For a unit commencing operation on or after January 1, 1997, and before January 1, 1999, a unit

that did not serve a generator producing electricity for sale under a firm contract to the electric grid during 1997 or 1998.

(C) For a unit commencing operation on or after January 1, 1999, a unit that at:

- (i) no time serves a generator producing electricity for sale; or
- (ii) any time serves a generator producing electricity for sale, if the generator has a nameplate capacity of twenty-five (25) megawatt electrical (MWe) output or less and has the potential to use no more than fifty percent (50%) of the potential electrical output capacity of the unit.

(3) For a cogeneration unit serving a generator with a nameplate capacity greater than twenty-five (25) MWe, the following:

(A) For a unit commencing operation before January 1, 1997, a unit that failed to qualify as an unaffected unit under the acid rain program, in 40 CFR 72.6(b)(4), for 1995 and 1996.

(B) For a unit commencing operation on or after January 1, 1997, and before January 1, 1999, a unit that failed to qualify as an unaffected unit under the acid rain program, in 40 CFR 72.6(b)(4), for 1997 and 1998.

(C) For a unit commencing operation on or after January 1, 1999, a unit failing to qualify as an unaffected unit under the acid rain program, in 40 CFR 72.6(b)(4), for any year.

(4) For a unit that is not a cogeneration unit serving a generator with a nameplate capacity greater than twenty-five (25) MWe, the following:

(A) For a unit commencing operation before January 1, 1997, a unit that served a generator during 1995 or 1996 that produced electricity for sale under a firm contract to the electric grid.

(B) For a unit commencing operation on or after January 1, 1997, and before January 1, 1999, a unit that served a generator during 1997 or 1998 that produced electricity for sale under a firm contract to the electric grid.

(C) For a unit commencing operation on or after January 1, 1999, a unit serving a generator at any time that produced electricity for sale.

(5) For purposes of this rule, "electricity for sale under a firm contract to the electric grid" means electricity for sale where the capacity involved is intended to be available at all times during the period covered by a guaranteed commitment to deliver, even under adverse conditions.

(c) Any provision of this rule that applies to the designated representative of a large affected unit also applies to the owners or operators of the unit.

(Air Pollution Control Division; [326 IAC 10-2-1](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

### **326 IAC 10-2-2 Definitions**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-11-2](#); [IC 13-15](#); [IC 13-17](#)

Sec. 2. (a) For purposes of complying with the requirements of this rule, the definitions in this rule and 40 CFR 72.2\* apply and take precedence in any conflict between these definitions and [326 IAC 1-2](#).

(b) The term "affected unit" in 40 CFR 75\* is replaced by the term "large affected unit" as defined in this section.

(c) In addition to the definitions in [IC 13-11-2](#), [326 IAC 1-2](#), and 40 CFR 72.2\*, the following definitions apply throughout this rule:

(1) "Boiler" means an enclosed combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

(2) "Cogeneration unit" means a unit that has equipment used to produce electric energy and forms of useful thermal energy (such as heat or steam) for industrial, commercial, heating, or cooling purposes, through the sequential use of energy, where "sequential use of energy" means the use of reject heat from:

(A) electricity production in a useful thermal energy application or process; or

(B) a useful thermal energy application or process in electricity production.

(3) "Combined cycle system" means a system comprised of one (1) or more combustion turbines, heat recovery steam generators, and steam turbines, configured to improve overall efficiency of electricity generation or steam production.

(4) "Combustion turbine" means:

- (A) an enclosed device comprising a compressor, a combustor, and a turbine, in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine; and
- (B) any associated duct burner, heat recovery steam generator and steam turbine, if the enclosed device under clause (A) is combined cycle.
- (5) "Commencing commercial operation" means, with regards to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation, subject to the following:
- (A) For a unit that is a large affected unit, on the date the unit commences commercial operation, the date remains the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered.
- (B) For a unit that is not a large affected unit, on the date the unit commences commercial operation, the date that the unit becomes a large affected unit, as defined under subdivision 11, is the unit's date of commencement of commercial operation.
- (C) Except as provided in clauses (A) and (B), for a unit not serving a generator producing electricity for sale, the unit's date of commencement of operation is the unit's date of commencement of commercial operation.
- (6) "Commencing operation" means the following:
- (A) A unit commences operation on either the date:
- (i) of commencement of any mechanical, chemical, or electronic process, including start-up of a unit's combustion chamber; or
- (ii) a unit meets the applicability criteria in section 1 of this rule, if the unit was in operation prior to the date on which it met the applicability criteria in section 1 of this rule.
- (B) A unit that undergoes a physical change after the date the unit commences operation, other than replacement of the unit by a unit at the same source, retains the unit's date of commencement of operation, and is treated as the same unit.
- (C) A unit that is replaced by a unit at the same source, such as repowered, after the date the unit commences operation retains the replaced unit's date of commencement, and the replacement unit is treated as a separate unit with a separate date for commencement of operation.
- (7) "Designated representative" means the person who is authorized by the owner or operator of the unit to represent and legally bind the owner or operator in matters pertaining to this rule, following the procedures for authorization and the responsibilities of the designated representative in 40 CFR 72, Subpart B\*, including the authorization of an alternate designated representative.
- (8) "Fossil fuel" means natural gas, petroleum, coal, or any solid, liquid, or gaseous fuel derived from these materials.
- (9) "Fossil fuel-fired" means the following:
- (A) Except as provided in clause (B), the combustion of fossil fuel, alone or in combination with any other fuel, under any of the following scenarios:
- (i) The fossil fuel actually combusted comprises more than fifty percent (50%) of the annual heat input on a British thermal unit (Btu) basis during any year starting in 1995. If a unit had no heat input in 1995, then during the last year of operation of the unit prior to 1995.
- (ii) The fossil fuel is projected to comprise more than fifty percent (50%) of the annual heat input on a Btu basis during any year, provided that the unit is fossil fuel-fired as of the date during the year that the unit begins combusting fossil fuel.
- (B) For the purposes of determining applicability in section 1(b)(3) and 1(b)(4) of this rule, combusting any amount of fossil fuel in any calendar year.
- (10) "Heat input" means the product, expressed in Btu per unit of time (Btu/hr), of the following:
- (A) The gross calorific value of the fuel, expressed in Btu per pound (Btu/lb).
- (B) The fuel feed rate into a combustion device, expressed in mass of fuel per unit of time (lb/hr), as measured, recorded, and reported in accordance with 40 CFR 75, Subpart H\*.
- Heat input does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.
- (11) "Large affected unit" means a unit that meets the applicability criteria in section 1 of this rule.
- (12) "Maximum design heat input" means the maximum amount of fuel per hour, in million British thermal units per hour (MMBtu/hr), that a unit is capable of combusting on a steady state basis as of the initial installation of the unit as specified by the manufacturer of the unit.
- (13) "Nameplate capacity" means the maximum electrical generating output, expressed in megawatt electrical (MWe) output, that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.
- (14) "Operator" means any person who operates, controls, or supervises the operation of a unit,

including any holding company, utility system, or plant manager of the unit.

(15) "Owner" means any of the following persons:

(A) The holder of:

- (i) any portion of the legal or equitable title; or
  - (ii) a leasehold interest;
- in a unit.

(B) Any purchaser of power from a unit under a life-of-the-unit, firm power contractual arrangement, except that, unless expressly provided for in a leasehold agreement, owner does not include a passive lessor, or a person who has an equitable interest through the lessor, whose rental payments are not based, either directly or indirectly, on the revenues or income from the large affected unit.

(16) "Ozone control period" means the inclusive period:

(A) beginning either:

- (i) May 1 of a calendar year; or
- (ii) on the deadline for meeting the unit's monitor certification requirements under section 4(a) of this rule; and

(B) ending on September 30 of the same year.

(17) "Potential electrical output capacity" means thirty-three percent (33%) of a unit's maximum design heat input.

(18) "Replacement", "replace", or "replaced" means the demolition of, or the permanent shutdown and permanent disabling of, a unit, and the construction of another unit, to be used instead of the demolished or shutdown unit.

(19) "Repowered" means replacement of a coal-fired boiler with one (1) of the following coal-fired technologies at the same source as the coal-fired boiler:

(A) Atmospheric or pressurized fluidized bed combustion.

(B) Integrated gasification combined cycle.

(C) Magnetohydrodynamics.

(D) Direct and indirect coal-fired turbines.

(E) Integrated gasification fuel cells.

(F) As determined by U.S. EPA in consultation with the Secretary of Energy, a derivative of one (1) or more of the technologies under clauses (A) through (E), and any other coal-fired technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of January 1, 2005.

(20) "Unit" means a fossil fuel-fired stationary boiler, combustion turbine, or a combined cycle system.

(21) "Unit operating day" means a calendar day in which a unit combusts any fuel.

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-2](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

### [326 IAC 10-2-3](#) Monitoring provisions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. (a) The owner or operator of a large affected unit subject to this rule, and to the extent applicable, the designated representative, shall comply with the monitoring, record keeping, and reporting requirements as provided in this rule and in 40 CFR 75, Subpart H\*. The owner or operator of a unit that is not a large affected unit, but that is required to monitor under 40 CFR 75.72(b)(2)(ii)\*, shall comply with the same monitoring, record keeping, and reporting requirements as a large affected unit.

(b) The owner or operator of each large affected unit shall do the following:

(1) Install all monitoring systems required under this section for monitoring NO<sub>x</sub> ozone season mass emissions and individual unit heat input. This includes all systems required to monitor the following operating parameters in accordance with 40 CFR 75.71\* and 40 CFR 75.72\*, as applicable:

(A) NO<sub>x</sub> emission rate.

(B) NO<sub>x</sub> concentration.

- (C) Stack gas moisture content.
- (D) Stack gas flow rate.
- (E) Carbon dioxide (CO<sub>2</sub>) or ozone (O<sub>3</sub>) concentration.
- (F) Fuel flow rate.

(2) Complete all certification tests required under section 5(b) of this rule and meet all other requirements of this section and 40 CFR 75\* applicable to the monitoring systems under subdivision (1).

(3) Record, report, and quality assure the data from the monitoring systems under subdivision (1).

(c) The designated representative for a large affected unit shall submit written notice to the department and U.S. EPA in accordance with 40 CFR 75.61\*.

(d) The owner or operator of a large affected unit is subject to the applicable provisions of 40 CFR 75\* concerning units in long term cold storage.

(e) The prohibitions in 40 CFR 75.70(c)\* apply to any monitoring system, alternative monitoring system, alternative reference method, or any other alternative for a continuous emissions monitoring system required under this rule.

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-3](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

#### [326 IAC 10-2-4](#) Compliance dates for monitoring

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 4. (a) Except as provided in section 3(d) of this rule, the owner or operator shall meet the monitoring system certification and other requirements of section 3(b) of this rule on or before the applicable dates in this section. The owner or operator shall record, report, and quality assure the data from the monitoring systems under section 3(b)(1) of this rule on and after the following dates:

(1) For units that commenced operation before the effective date of this rule, the effective date of this rule.

(2) For the owner or operator of a large affected unit that commences operation after the effective date of this rule, and that reports on an annual basis under section 8(b) of this rule, by one hundred eighty (180) calendar days after the date on which the unit commences commercial operation.

(3) For the owner or operator of a large affected unit that commences operation after the effective date of this rule, and that reports on a control period basis under section 8(b) of this rule, by the later of the following dates:

(A) One hundred eighty (180) calendar days after the date on which the unit commences commercial operation.

(B) If the compliance date under clause (A) is not during a control period, then by May 1 immediately following the compliance date under clause (A).

(4) For the owner or operator of a large affected unit for which construction of a new stack or flue or installation of add-on NO<sub>x</sub> emission controls is completed after the effective date of this rule, and that reports on an annual basis under section 8(b) of this rule, by the earlier of the following dates:

(A) One hundred eighty (180) calendar days after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO<sub>x</sub> emissions controls.

(B) Ninety (90) unit operating days after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO<sub>x</sub> emissions controls.

(5) For the owner or operator of a large affected unit for which construction of a new stack or flue or installation of add-on NO<sub>x</sub> emission controls is completed after the effective date of this rule and that reports on a control period basis under section 8(b) of this rule, by the later of the following dates:

(A) The earlier of:

(i) one hundred eighty (180) calendar days after the date on which emissions first exit to the

- atmosphere through the new stack or flue or add-on NO<sub>x</sub> emissions controls; or
  - (ii) ninety (90) unit operating days after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO<sub>x</sub> emissions controls.
- (B) If the compliance date under clause (A) is not during a control period, May 1 immediately following the compliance date under clause (A).

(b) The owner or operator of a large affected unit that does not meet the applicable compliance date set forth in subsection (a) for any monitoring system under section 3 of this rule shall, for each monitoring system, determine, record, and report maximum potential or, as appropriate, minimum potential, values for the following:

- (1) NO<sub>x</sub> emission rate.
- (2) NO<sub>x</sub> concentration.
- (3) Stack gas moisture content.
- (4) Stack gas flow rate.
- (5) Fuel flow rate.
- (6) Any other parameters required to determine NO<sub>x</sub> mass emissions and heat input in accordance with the following, as applicable:
  - (A) 40 CFR 75.31(b)(2)\*.
  - (B) 40 CFR 75.31(c)(3)\*.
  - (C) 40 CFR 75, Appendix D, Section 2.4\*.
  - (D) 40 CFR 75, Appendix E, Section 2.5\*.

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-4](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

### **[326 IAC 10-2-5](#) Certification and recertification**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

**Sec. 5. (a)** The owner or operator of a large affected unit is exempt from the initial certification requirements of this section for a monitoring system under section 3 of this rule if the following conditions are met:

- (1) The monitoring system has been previously certified in accordance with 40 CFR 75\*.
- (2) The applicable quality assurance and quality control requirements of 40 CFR 75.21\*, 40 CFR 75, Appendix B\*, 40 CFR 75, Appendix D\*, and 40 CFR 75, Appendix E\* are fully met for the certified monitoring system described in subdivision (1).

**(b)** The recertification provisions of this section apply to a monitoring system that is exempt from initial certification requirements under this section.

**(c)** Except as provided in subsection (a), the owner or operator of a large affected unit shall comply with the initial certification and recertification procedures in 40 CFR 75.20\* for a continuous monitoring system (a continuous emission monitoring system or an excepted monitoring system under 40 CFR 75, Appendix D\* or 40 CFR 75, Appendix E\*). The owner or operator of a unit that qualifies to use the low mass emissions (LME) excepted monitoring methodology under 40 CFR 75.19\* or that qualifies to use an alternative monitoring system under 40 CFR 75, Subpart E\* shall comply with the procedures in subsection (d) or section 7(b) of this rule, respectively.

**(d)** The owner or operator of a unit qualified under 40 CFR 75.19\* to use the LME excepted methodology shall meet the applicable certification and recertification requirements in 40 CFR 75.19(a)(2)\* and 40 CFR 75.20(h)\*. If the owner or operator of the unit elects to certify a fuel flowmeter system for heat input determination, the owner or operator shall meet the certification and recertification requirements in 40 CFR 75.20(g)\*.



\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-5](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

### [326 IAC 10-2-6](#) Data substitution

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 6. If a monitoring system fails to meet the quality assurance and quality control requirements or data validation requirements of 40 CFR 75\*, data must be substituted using the applicable missing data procedures from one (1) of the following:

- (1) 40 CFR 75, Subpart D\*.
- (2) 40 CFR 75, Subpart H\*.
- (3) 40 CFR 75, Appendix D\*.
- (4) 40 CFR 75, Appendix E\*.

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-6](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

### [326 IAC 10-2-7](#) Petition for approval of alternatives

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 7. (a) A petition under 40 CFR 75.66\* requesting approval of alternatives to any requirement of section 3, 4, 5, 6, or 8 of this rule may be made as follows:

- (1) Except as provided in subdivision (3), the designated representative of a large affected unit that is subject to an acid rain emissions limitation may submit a petition to U.S. EPA requesting approval to apply an alternative to any requirement of section 3, 4, 5, 6, or 8 of this rule. The designated representative may not use the alternative unless the alternative is approved in writing by U.S. EPA.
- (2) The designated representative of a large affected unit that is not subject to an acid rain limitation may submit a petition to both the department and U.S. EPA requesting approval to apply an alternative to any requirement of section 3, 4, 5, 6, or 8 of this rule. The designated representative may not use the alternative unless the alternative is approved in writing by both the department and U.S. EPA.
- (3) The designated representative of a large affected unit that is subject to an acid rain emissions limitation may submit a petition to both the department and U.S. EPA requesting approval to apply an alternative to a requirement concerning any additional continuous emission monitoring system required under 40 CFR 75.72\*. The designated representative may not use the alternative unless the alternative is approved in writing by both the department and U.S. EPA.

(b) The designated representative of each unit for which the owner or operator intends to use an alternative monitoring system approved by U.S. EPA and, if applicable, the department under 40 CFR 75, Subpart E\*, shall comply with the applicable notification and application procedures of 40 CFR 75.20(f)\*.

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-7](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

**326 IAC 10-2-8** Record keeping and reporting

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 8. (a) The designated representative of a large affected unit shall comply with all applicable record keeping and reporting requirements in this section and 40 CFR 75.73\*, as follows:

(1) The owner or operator of a large affected unit shall comply with requirements of both:

(A) 40 CFR 75.73(c)\*; and

(B) 40 CFR 75.73(e)\*.

(2) The designated representative shall submit an application to the department within forty-five (45) days after completing all initial certification or recertification tests required under section 5 of this rule, including the information required under 40 CFR 75.63\*.

(b) The designated representative shall submit quarterly reports as follows:

(1) If the large affected unit is subject to an acid rain emissions limitation or if the owner or operator of the unit chooses to report on an annual basis under this section, the designated representative shall:

(A) meet the requirements of 40 CFR 75, Subpart H\* for the entire year; and

(B) report the NO<sub>x</sub> mass emissions data and heat input data in an electronic quarterly report in a format prescribed by U.S. EPA, for each calendar quarter corresponding to the earlier of:

(i) the date of provisional certification; or

(ii) for a unit that commences commercial operation on or after the effective date of this rule, the calendar quarter corresponding to the earlier of:

(AA) the date of provisional certification; or

(BB) the applicable deadline for initial certification under section 4(a) of this rule.

(2) If the large affected unit is not subject to an acid rain emissions limitation, the designated representative shall meet either of the following requirements:

(A) If the owner or operator chooses to report on an annual basis, both of the following:

(i) Meet the requirements of 40 CFR 75, Subpart H\* for the entire year.

(ii) Report the NO<sub>x</sub> mass emissions data and heat input data for the unit in accordance with this clause.

(B) If the owner or operator does not choose to report on an annual basis, both of the following:

(i) Meet the requirements of 40 CFR 75, Subpart H\* for the control period.

(ii) Report NO<sub>x</sub> mass emissions data and heat input data for the control period in an electronic quarterly report in a format prescribed by U.S. EPA, for each calendar year beginning with:

(AA) the effective date of this rule; or

(BB) for a unit that commences commercial operation on or after the effective date of this rule, the calendar quarter corresponding to the earlier of:

(aa) if it falls during the control period, the date of provisional certification;

(bb) if it falls during the control period, the applicable deadline for initial certification under section 4(a) of this rule; or

(cc) if neither subitem (aa) nor (bb) fall during the control period, the quarter that includes May 1 through June 20 of the first control period after the date of provisional certification or the applicable deadline for initial certification under section 4(a) of this rule.

(3) For large affected units that are also subject to an acid rain emissions limitation or another annual trading program, quarterly reports must include the following:

(A) Applicable data and information required by 40 CFR 75, Subparts F through H\* as applicable.

(B) NO<sub>x</sub> mass emission data, heat input data, and other information required by this rule.

(4) For all large affected units subject to this rule, the designated representative shall submit quarterly reports to U.S. EPA within thirty (30) days following the end of the calendar quarter covered by the report in the manner specified in 40 CFR 75.73(f)\*.

(c) The designated representative shall submit to U.S. EPA a compliance certification, in a format prescribed by U.S. EPA, in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification must state that:

(1) the monitoring data submitted were recorded in accordance with the applicable requirements of this section and 40 CFR 75\*, including the quality assurance procedures and specifications;

(2) for a unit with add-on NO<sub>x</sub> ozone season emission controls and for all hours where NO<sub>x</sub> data are substituted in accordance with 40 CFR 75.34(a)(1)\*, the add-on emission controls were operating



within the range of parameters listed in the quality assurance and quality control program under 40 CFR 75, Appendix B\* and the substitute data values do not systematically underestimate NO<sub>x</sub> emissions; and

(3) for a unit that is reporting on a control period basis under subsection (b)(2)(B), the NO<sub>x</sub> mass emission rate and NO<sub>x</sub> concentration values substituted for missing data under 40 CFR 75, Subpart D\* are calculated using only values from a control period and do not systematically underestimate NO<sub>x</sub> emissions.

(d) Owners and operators of each large affected unit at the source shall comply with the following record keeping and reporting requirements:

(1) Unless otherwise provided, the owners and operators of each large affected unit at the source shall keep on site each of the following documents:

(A) The current certificate of representation for the designated representative for each large affected unit, and all documents that demonstrate the truth of the statements in the certificate of representation.

(B) All emissions monitoring information, in accordance with section 3 of this rule, with retention for a minimum of three (3) years.

(C) Copies of all reports and other submissions and all records made or required under this rule for a period of five (5) years from the date the document was created.

(2) The designated representative of each large affected unit at the source shall submit the reports required under this rule.

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-2-8](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

### **326 IAC 10-2-9 Ozone season NO<sub>x</sub> budget**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 9. (a) The ozone season budget for all large affected units meeting the applicability criteria in section 1(b)(1) and 1(b)(2) of this rule is eight thousand eight (8,008) tons of NO<sub>x</sub> for each control period, as defined in section 2 of this rule. The sum of the total number of tons of NO<sub>x</sub> emitted from each large affected unit under section 1(b)(1) and 1(b)(2) of this rule must be less than or equal to the ozone season budget for large affected units.

(b) By May 1 of each year, the department shall conduct an annual review of actual NO<sub>x</sub> emissions during the previous ozone control period from all large affected units under section 1(b)(1) and 1(b)(2) of this rule, including any new units, to ensure that the total emissions remain below the ozone season budget.

(Air Pollution Control Division; [326 IAC 10-2-9](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

SECTION 2. [326 IAC 10-3-1](#) IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 10-3-1 Applicability**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) This rule applies to any of the following:

(1) **A** Portland cement kiln with process rates equal to or greater than **the following**:

(A) **For** long dry kilns, of twelve (12) tons per hour (tph).

(B) **For** long wet kilns, of ten (10) tph.

(C) **For** preheater kilns, of sixteen (16) tph. or

(D) **For** precalciner and combined preheater and precalciner kilns, of twenty-two (22) tph.

(2) The following affected boilers:

Source	Point ID	Unit
(A) <del>Bethlehem Steel Corporation</del> <b>ArcelorMittal Burns Harbor</b>	075	Boiler #7
	076	Boiler #8
	077	Boiler #9
	078	Boiler #10
	079	Boiler #11
	080	Boiler #12
(B) <del>LTV Steel Company</del> <b>ArcelorMittal Indiana Harbor</b>	020	Boiler #4
	021	Boiler #5
	022	Boiler #6
	023	Boiler #7
	024	Boiler #8

(3) Any other blast furnace gas-fired boiler with a heat input greater than two hundred fifty million (250,000,000) British thermal units per hour that is not subject to [326 IAC 10-4](#) or [326 IAC 24-3](#); **defined as a large affected unit under [326 IAC 10-2-2\(c\)\(11\)](#).**

(b) A unit subject to this rule and a New Source Performance Standard, (NSPS), a National Emission Standard for Hazardous Air Pollutants, or an emission limit established under [326 IAC 2](#) ~~shall~~ **must** comply with the limitations and requirements of the more stringent rule. For a unit subject to this rule and [326 IAC 10-1](#), compliance with the emission limits in section 3(a)(1)(A) of this rule during the ozone control period ~~shall be~~ **is** deemed to be compliance with the emission limits in [326 IAC 10-1-4\(b\)\(1\)](#) during the ozone control period, and ~~such the limits shall~~ supersede those in [326 IAC 10-1-4\(b\)\(1\)](#) during the ozone control period.

(c) ~~The monitoring, record keeping, and reporting requirements under sections 4 and 5 of this rule shall not apply to a unit that opts into the NO<sub>x</sub> budget trading program under [326 IAC 10-4](#) or [326 IAC 24](#).~~

(d) ~~(c)~~ The requirements of this rule ~~shall not~~ apply to the specific units subject to this rule during startup and shutdown periods and periods of malfunction.

(e) ~~(d)~~ During periods of blast furnace reline, startup, and ~~period~~ **periods** of malfunction, the affected boilers ~~shall are~~ not be required to meet the requirement ~~to derive of~~ **of greater than** fifty percent (50%) of the heat input from blast furnace gas.

(Air Pollution Control Division; [326 IAC 10-3-1](#); filed Aug 17, 2001, 3:45 p.m.: 25 IR 14; errata filed Nov 29, 2001, 12:20 p.m.: 25 IR 1183; filed Jul 7, 2003, 4:00 p.m.: 26 IR 3550; filed Jan 26, 2007, 10:25 a.m.: [20070221-IR-326050117FRA](#); filed Jul 27, 2018, 2:25 p.m.: [20180822-IR-326150414FRA](#))

SECTION 3. [326 IAC 10-3-3](#) IS AMENDED TO READ AS FOLLOWS:

### [326 IAC 10-3-3](#) Emission limits

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. (a) After May 31, 2004, an owner or operator of any Portland cement kiln subject to this rule shall not operate the kiln during the ozone control period of each year unless the owner or operator complies with one (1) of the following:

(1) Operation of the kiln with one (1) of the following:

(A) Low-NO<sub>x</sub> burners.

(B) Mid-kiln firing.

(2) A limit on the amount of NO<sub>x</sub> emitted when averaged over the ozone control period as follows:

(A) For long wet kilns, six (6) pounds of NO<sub>x</sub> per ton of clinker produced.

(B) For long dry kilns, five and one-tenth (5.1) pounds of NO<sub>x</sub> per ton of clinker produced.

(C) For preheater kilns, three and eight-tenths (3.8) pounds of NO<sub>x</sub> per ton of clinker produced.

(D) For precalciner and combined preheater and precalciner kilns, two and eight-tenths (2.8) pounds of NO<sub>x</sub>

per ton of clinker produced.

(3) Installation and use of alternative control techniques that may include kiln system modifications, such as conversions to semi-dry precalciner kiln processing, subject to department and U.S. EPA approval that achieve a thirty percent (30%) emissions decrease from baseline ozone control period emissions. Baseline emissions ~~shall~~ **must** be the average of the sum of ozone control period emissions for the two (2) highest emitting years from 1995 through 2000 determined in accordance with subsection (d)(1).

(b) The owner or operator of ~~any a~~ Portland cement kiln proposing to install and use an alternative control technique under subsection (a)(3) shall submit the proposed alternative control technique and calculation of baseline emissions with supporting documentation to the department and U.S. EPA for approval by May 1, 2003. The department shall include the approved plan with emission limitations in the source's operating permit.

(c) The owner or operator of any affected boiler subject to this rule shall limit NO<sub>x</sub> emissions to seventeen-hundredths (0.17) pound of NO<sub>x</sub> per million Btus (lb/MMBtu) of heat input averaged over the ozone control period and ensure that greater than fifty percent (50%) of the heat input ~~shall be~~ **is** derived from blast furnace gas averaged over an ozone control period. ~~By May 1, 2003,~~

(d) The owner or operator of an affected boiler shall submit to the department a compliance plan for approval by the department and U.S. EPA **in accordance with subsection (e) and** including the following:

(1) Baseline stack test data, or proposed testing, for establishment of fuel specific emission factors, or the emission factors for the type of boiler from the Compilation of Air Pollutant Emission Factors (AP-42), as defined at [326 IAC 1-1-3.5](#), for each fuel to be combusted. The fuel specific emission factor ~~shall~~ **must** be developed from representative emissions testing, pursuant to 40 CFR 60, Appendix A, Method 7\*, 7A\*, 7C\*, 7D\*, or 7E\*, **or 40 CFR 75\***, based on a range of typical operating conditions. The owner or operator must:

(A) establish that these operating conditions are representative, subject to approval by the department; and

(B) ~~must~~ certify that the emissions testing is being conducted under representative conditions.

(2) Anticipated fuel usage and combination of fuels.

(3) If desired by the source, a proposal for averaging the emission limit and fuel allocation among commonly owned units, including the proposed methodology for determining compliance.

**(e) The owner or operator of an affected boiler shall submit to the department the compliance plan required in subsection (d) by the following date, as applicable:**

**(1) By May 1, 2003, for an affected boiler that became subject to the rule prior to May 1, 2003.**

**(2) Within sixty (60) days of the date the affected boiler becomes subject to this rule, for an affected boiler that becomes subject to the rule after May 1, 2003.**

~~(d)~~ **(f)** Baseline ozone control period emissions ~~shall~~ **must** be determined using one (1) of the following methods:

(1) **For kilns**, the average of the emission factors for the type of kiln from the Compilation of Air Pollutant Emission Factors (AP-42), Fifth Edition, January 1995\*, Supplements A through G, December 2000\* and the NO<sub>x</sub> Control Technologies for the Cement Industry, Final Report, September 19, 2000\*.

(2) **For kilns**, the site-specific emission factor developed from representative emissions testing, pursuant to 40 CFR 60, Appendix A, Method 7\*, 7A\*, 7C\*, 7D\*, or 7E\*, based on a range of typical operating conditions. The owner or operator must:

(A) establish that these operating conditions are representative, subject to approval by the department; and

(B) certify that the emissions testing is being conducted under representative conditions.

(3) **For kilns**, an alternate method for establishing the ~~emissions~~ **emission** factors, when submitted with supporting data to substantiate ~~such emissions~~ **the emission** factors and approved by the department and U.S. EPA as set forth in subsection (b).

(4) For affected boilers, as outlined in the site-specific compliance plan submitted under subsection (c).

\*These documents are incorporated by reference. ~~and~~ **Copies** may be obtained from the Government ~~Printing~~ **Publishing** Office, 732 North Capitol Street NW, Washington, D.C. 20402 [www.gpo.gov](http://www.gpo.gov), or are available for ~~copying~~ **review** at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 10-3-3](#); filed Aug 17, 2001, 3:45 p.m.: 25 IR 16; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1569; filed Jan 27, 2006, 11:25 a.m.: 29 IR 1876; filed Jul 27, 2018, 2:25 p.m.:

SECTION 4. THE FOLLOWING ARE REPEALED: [326 IAC 10-4](#); [326 IAC 24-3-1](#); [326 IAC 24-3-2](#); [326 IAC 24-3-4](#); [326 IAC 24-3-11](#).

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